

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 28, 2011

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 493

Introduced by Assembly Member Perea
(Coauthors: ~~Assembly Members Garrick, Hagman, Jeffries,~~
~~Mendoza, Portantino, and Solorio~~)
(Coauthor: ~~Senator Runner~~)

February 15, 2011

An act to add ~~Section 10072.5~~ *Sections 290.96 and 3003.6 to the Penal Code, and to add Sections 10613.3 and 10613.4 to the Welfare and Institutions Code, relating to ~~public social services~~ registered sex offenders.*

LEGISLATIVE COUNSEL'S DIGEST

AB 493, as amended, Perea. ~~Electronic benefits transfer cards: use restrictions.~~ *Registered sex offenders: community care facilities.*

Existing law, the Sex Offender Registration Act, requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California. Willful failure to register, as required, is a misdemeanor, or a felony, depending on the underlying offense. Existing law provides for the licensing and regulation of various community care and child care facilities by the State Department of Social Services.

This bill would prohibit a person required to register under the act from residing, except as specified, working, or volunteering in specified homes or facilities licensed by the State Department of Social Services or a county child welfare services agency, as specified. Violation of this prohibition would be a misdemeanor.

This bill would require specified officials who register a person under the act to make a specified determination regarding the registration, notify the person when his or her registered residence or place of employment would be prohibited by the bill, and take appropriate law enforcement action, or make a specified notification, if the person registers at a prohibited residence or place of employment.

This bill would also require the State Department of Social Services to provide specified public officers and persons or entities that register a person who is required to register with the addresses of, among other things, homes or facilities that serve children under 18 years of age and that are licensed by the department or a county child welfare agency.

This bill would create a new crime and impose additional duties upon local officials, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families.~~

~~Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits are provided to the state by the federal government and are distributed to eligible households by each county. California's SNAP program is known as CalFresh.~~

~~Existing law authorizes a county to elect to deliver CalWORKs and SNAP benefits through the use of an electronic benefits transfer (EBT)~~

system. Existing law specifies criteria for the development and administration of the EBT system, including issuance to a recipient of an EBT card.

This bill would require the EBT system to prevent use of EBT cards by recipients to access automated teller machines located in gambling establishments and adult entertainment establishments, except to the extent prohibited by federal law. The bill would specify that it would not be construed to prohibit the use of an EBT card to access SNAP benefits, as authorized by federal law.

This bill would impose additional duties on counties administering the CalWORKs program with respect to EBT card issuance and use, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.96 is added to the Penal Code, to
2 read:
3 290.96. A county sheriff, a chief of police of a city or a campus
4 of the University of California, the California State University, or
5 community college, or any other person or entity that registers a
6 person required to register pursuant to the Sex Offender
7 Registration Act (Sections 290 to 290.023, inclusive) shall, at the
8 time of registration, do all of the following:
9 (a) Determine whether the person required to register under
10 the Sex Offender Registration Act is registering at a residence or
11 place of employment that is prohibited by Section 3003.6, by using
12 the information provided under Section 10613.3 of the Welfare
13 and Institutions Code and any additional information available
14 for this purpose.

1 (b) Notify the person required to register under the Sex Offender
2 Registration Act when his or her registered residence or place of
3 employment would be prohibited by Section 3003.6.

4 (c) Take appropriate law enforcement action if it has jurisdiction
5 or notify an appropriate law enforcement entity with jurisdiction
6 if, after being notified under subdivision (b), the person registers
7 at a residence or place of employment that is prohibited by Section
8 3003.51.

9 SEC. 2. Section 3003.6 is added to the Penal Code, to read:

10 3003.6. (a) A person required to register under the Sex
11 Offender Registration Act (Sections 290 to 290.023, inclusive)
12 shall not reside, except as a client, and shall not work or volunteer,
13 in any of the following:

14 (1) A home or facility that serves children under 18 years of
15 age and that is licensed by the State Department of Social Services
16 or a county child welfare services agency as a community care
17 facility, a child day care facility, a day care center, a family day
18 care home, or a similar home or facility.

19 (2) A certified home of a foster family agency.

20 (3) A home or facility that receives a placement of a child who
21 has been, or may be, declared a dependent child of the juvenile
22 court pursuant to Section 300 of the Welfare and Institutions Code.

23 (b) A person who violates subdivision (a) is guilty of a
24 misdemeanor.

25 (c) A court may waive the prohibition in subdivision (a) if both
26 of the following are true:

27 (1) The residence is that of a noncustodial parent, a relative,
28 or a nonrelative extended family member who receives a placement
29 of a child who has been, or may be, declared a dependent child of
30 the juvenile court under Section 300 of the Welfare and Institutions
31 Code.

32 (2) The court makes a finding that the placement of the child in
33 the residence is in the best interest of the child.

34 SEC. 3. Section 10613.3 is added to the Welfare and Institutions
35 Code, to read:

36 10613.3. The State Department of Social Services shall provide
37 to each county sheriff, each chief of police of a city or a campus
38 of the University of California, the California State University, or
39 community college, and every other person or entity that registers
40 a person required to register under the Sex Offender Registration

1 Act (Sections 290 to 290.023, inclusive, of the Penal Code) the
2 addresses of all of the following within the jurisdiction of the
3 sheriff, chief of police, or other person or entity:

4 (a) Each community care facility, child day care facility, day
5 care center, family day care home, or similar home or facility that
6 serves children under 18 years of age and that is licensed by the
7 State Department of Social Services or a county child welfare
8 agency.

9 (b) Each home certified by a foster family agency.

10 (c) Each home or facility whose address is not otherwise
11 provided under subdivision (a) or (b) that has been approved to
12 receive a placement of a child who has been, or may be, declared
13 a dependent child of the juvenile court under Section 300.

14 SEC. 4. Section 10613.4 is added to the Welfare and Institutions
15 Code, to read:

16 10613.4. (a) Peace officers from the State Department of Social
17 Services shall, no less frequently than each calendar quarter,
18 compare the residence and employment addresses of persons
19 required to register under the Sex Offender Registration Act
20 (Sections 290 to 290.023, inclusive, of the Penal Code) against
21 the addresses of all of the following:

22 (1) Each community care facility, child day care facility, day
23 care center, family day care home, or similar home or facility that
24 serves children under 18 years of age and that is licensed by the
25 department or a county child welfare agency.

26 (2) Each home certified by a foster family agency.

27 (3) Each home or facility that has been approved to receive a
28 placement of a child who has been, or may be, declared a
29 dependent child of the juvenile court under Section 300.

30 (b) If peace officers from the department determine that an
31 address specified in paragraphs (1) to (3), inclusive, of subdivision
32 (a) matches the residence or employment address of a person
33 required to register under the Sex Offender Registration Act the
34 department shall take appropriate action as authorized by law to
35 further the purposes of Section 3003.6 of the Penal Code.

36 SEC. 5. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution for certain
38 costs that may be incurred by a local agency or school district
39 because, in that regard, this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty for a crime

1 or infraction, within the meaning of Section 17556 of the
2 Government Code, or changes the definition of a crime within the
3 meaning of Section 6 of Article XIII B of the California
4 Constitution.

5 However, if the Commission on State Mandates determines that
6 this act contains other costs mandated by the state, reimbursement
7 to local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

10 SECTION 1. ~~Section 10072.5 is added to the Welfare and~~
11 ~~Institutions Code, to read:~~

12 ~~10072.5. (a) Except to the extent prohibited by federal law,~~
13 ~~the electronic benefits transfer system designed and implemented~~
14 ~~pursuant to this chapter shall prevent a recipient from using~~
15 ~~the electronic benefits transfer card to access automated teller~~
16 ~~machines located in gambling establishments and adult~~
17 ~~entertainment establishments.~~

18 ~~(b) Nothing in this section shall be construed to prohibit the use~~
19 ~~of an electronic benefits transfer card to access federal~~
20 ~~Supplemental Nutrition Assistance Program (SNAP) benefits in~~
21 ~~any manner authorized by federal law.~~

22 SEC. 2. ~~If the Commission on State Mandates determines that~~
23 ~~this act contains costs mandated by the state, reimbursement to~~
24 ~~local agencies and school districts for those costs shall be made~~
25 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
26 ~~4 of Title 2 of the Government Code.~~